

Tom Sinclair

Thursday, May 5, 2011 4:13 PM

Subject: Westpoint Marina

Date: Thursday, May 5, 2011 2:54 PM

From: Tom Sinclair <toms@bcdc.ca.gov>

To: "msandhill@aol.com" <msandhill@aol.com>

Dear Mark,

Attached is a PDF copy of a letter regarding the apparent outstanding issues that need to be resolved at Westpoint Harbor and Marina. The original letter was sent out in the mail yesterday. It appears that much of this can be resolved relatively easily. Please let me know if you have questions. I'll be happy to meet with you to discuss any questions or concerns.

Thank you,

Tom

Tom Sinclair

Coastal Program Analyst

San Francisco Bay Conservation & Development Commission

50 California Street, Suite 2600

San Francisco, CA 94111

Ph (415) 352-3659

Fx (415) 352-3606

tsinclair@bcdc.ca.gov



May 4, 2011

Mark Sanders
16075 Skyline Boulevard
Woodside, California 94062

SUBJECT: Alleged Violations of Permit Requirements at Westpoint Harbor, 1529 Seaport
Boulevard, Redwood City, CA 94063 (BCDC File Nos. ER10-13 and 2-02)

Dear Mr. Sanders:

It was a pleasure meeting with you on April 17th and I want to thank you again for taking time to speak with me and review some of the completed portions of Westpoint Harbor & Marina. Per our discussion, I have been reviewing the Amended BCDC Permit file No. 2-02 regarding the alleged noncompliance with permit conditions, as well as alleged unauthorized development at the Marina. I am also in receipt of your letter dated April 18, 2011, responding to some of the issues raised in Will Travis' letter to you dated April 11, 2011.

Based on my review of Amended Permit File No. 2-02 and my site visits, there does appear to be a number of outstanding violations of your permit, several of which can be easily resolved, as noted below. The apparent violations include failure to submit and obtain required final plan approval for certain portions of the marina and harbor facilities, including but not limited to final access and landscaping plans. To date, final plan review for much of the development that has already been constructed at the marina, has not occurred in violation of Special Condition II-A-1. In addition, Condition I-C of the Authorization of the amended permit requires that all work authorized under Amendment Nos. One, Two and Three must be completed by August 15, 2010, unless an extension of time is granted by amendment of the permit. No extension of time has been granted as of the date of this letter. Therefore, any unauthorized development must stop immediately until these requirements are completed, and you are given authorization to proceed with the project.

In addition, during my review and site visits, I determined that you have posted unauthorized signage that threatens the public with criminal legal sanctions for using the dedicated public access areas. For the reasons stated above and further outlined below, you are not in compliance with your BCDC permit.

During our conversation two weeks ago, and via your letter of April 18th, you informed me that you had received written direction from the Redwood City Engineering Department, Fire Department, and Permitting & Planning Departments, to close the dedicated public access areas off from public use, and that these restrictions on public access are due to safety and crime concerns. Based on this information, I have reviewed Use Permit No. 2005-08, dated November 21, 2005, that was issued to you by Redwood City for the Westpoint Harbor project, and I was not able to locate any language in the conditions or findings that seems to preclude public access to the dedicated public access areas. I also consulted with Redwood City officials in the planning, police and fire departments none of whom were aware of any regulatory conditions precluding public access at the site. However, you indicated during our conversation that you will submit copies of letters or other documentation from Redwood City that contain directions that you believe conflict with the public access requirements of BCDC Permit No. 2-02. Please

State of California • SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION • Edmund G. Brown Jr., Governor
50 California Street, Suite 2000 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • info@bcdC.ca.gov • www.bcdC.ca.gov